

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

TRANSCONTINENTAL GAS PIPE LINE COMPANY, LLC	:	CIVIL ACTION
v.		
A PERMANENT EASEMENT FOR 0.018 ACRES AND A TEMPORARY EASEMENT FOR 0.017 ACRES OF LAND IN EAST CALN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, TAX PARCEL NO. 40-01-0006, FRIGYES & MARIA ALEJNIKOV, et al	:	FILED JUL - 9 2009
NO. 09-1385		

ORDER

AND NOW, this 9th day of July, 2009, upon consideration of Plaintiff Transcontinental Gas Pipe Line Company LLC's Omnibus Motion Seeking Possession of Rights of Way by June 1, 2009 pursuant to the Natural Gas Act, Federal Rule of Civil Procedure 71.1 and Federal Rule of Civil Procedure 65 (Document No. 3) and the parties' stipulation and agreement, it is ORDERED that the motion is DENIED WITHOUT PREJUDICE AS MOOT.

IT IS FURTHER ORDERED as follows:

1. Transco shall have the limited right to access the Rights of Way to survey and stake only. The Rights of Way are all pursuant to and subject to the restrictions of the Natural Gas Act and the Certificate of Public Convenience and Necessity issued by the Federal Energy Regulatory Commission ("FERC"), Docket No. CP08-31-000, dated August 14, 2008 (the "FERC Order") and are defined as Tax Parcel No. 40-01-0006 (Alejnikov), 0.018 acres of permanent easement and right of way to lay, construct,

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JULY 10 2009
CLERK OF COURT

appurtenant facilities; together with 0.017 acres of temporary workspace easement for the duration of the Downingtown Replacement to enter upon, use for ingress, egress and regress, clear off and use for construction as described in Exhibits 1 and 2, pursuant to the Natural Gas Act and the Certificate of Public Convenience and Necessity issued by the Federal Energy Regulatory Commission, Docket No. CP08-31-000, dated August 14, 2008; Tax Parcel No. 40-01-0006.020 (Jones), 0.019 acres of permanent easement and right of way, including the area on the Jones property where the permanent easement intersects the 20-foot driveway in which Defendants Alejnikov and Farrell each hold an easement for ingress and egress, to lay, construct, maintain, operate, repair, alter, replace and remove a 42-inch natural gas pipeline and appurtenant facilities; together with 0.021 acres of temporary workspace easement for the duration of the Downingtown Replacement to enter upon, use for ingress, egress and regress, clear off and use for construction, as described in Exhibits 3 and 4; Tax Parcel No. 40-01-0006.010 (Farrell), 0.160 acres of permanent easement and right of way to lay, construct, maintain, operate, repair, alter, replace and remove a 42-inch natural gas pipeline and appurtenant facilities, and 0.210 acres of temporary workspace easement for the duration of the Downingtown Replacement to enter upon, use for ingress, egress and regress, clear off and use for construction, as described in Exhibits 5 and 6; Transco shall conduct no pre-construction activities as currently stated in Condition 1 of the permits issued by the Pennsylvania Department of Environmental Protection ("DEP") on April 9, 2009, no clearing or cutting trees or groundbreaking or earth-moving activities, or disturbance or pollution of waterways located on the Rights of Way.

2. Transco shall post a bond in the total amount of \$110,000 (with \$70,000 allocated as security for the Farrels and \$20,000 each for the Jones and Alejnikovs) for any damages the defendants may suffer related to the grant of access to Transco and its contractors, and to secure payment of just compensation to the defendants. The amount of the bond shall have no bearing on the issue of just compensation for the taking of the Rights of Way, and the defendants' acceptance of the bond is without prejudice to their right to request just compensation in an amount in excess of the face amount of the bond.

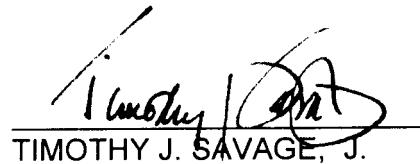
3. The Court shall retain jurisdiction over this matter until such time as a final order is issued.

4. Transco shall not have possession of the Rights of Way and shall not begin construction on the Rights of Way until the issuance by the FERC Office of Energy Projects of a Notice to Proceed with construction on the Rights of Way pursuant to the FERC Order ("NTP") and the issuance by the DEP of both an NPDES permit and a Chapter 105 permit authorizing construction on the Rights of Way, which have either been accepted by Transco or which have become final by virtue of an appeal by Transco (the "DEP Permits").

5. Upon the filing of certified copies of the NTP and the DEP Permits with the Clerk of Court an order granting Transco possession of the Rights of Way shall be entered by the court. In the event NTP or DEP Permits are not issued for the Rights of Way, Transco shall have no right to possession of or access to the Rights of Way.

6. In the event that work is not completed at the expiration of the FERC Certificate, the provisions of this Order shall terminate.

7. Plaintiff shall not record this Order in the Office of the Recorder of Deeds for Chester County, Pennsylvania unless and until the Court enters an Order granting possession pursuant to Paragraph 4 of this Order.



A handwritten signature in black ink, appearing to read "Timothy J. Savage, Jr.", is written over a horizontal line. A small circle is drawn around the end of the signature.

TIMOTHY J. SAVAGE, J.

EXHIBIT 1

TRANSCONTINENTAL GAS PIPE LINE CORPORATION

194C

**DESCRIPTION OF EASEMENT
AREA OF PROPOSED RIGHT OF WAY
TAX PARCEL ID# 40-01-0006
EAST CALN TOWNSHIP, CHESTER COUNTY,
COMMONWEALTH OF PENNSYLVANIA**

ALL THAT CERTAIN tract or parcel of land situate in East Caln Township, Chester County and the Commonwealth of Pennsylvania, more particularly described as follows:

BEGINNING at a point in the northeasterly dividing line of Tax Parcel ID# 40-01-0006.01 said point being N 22° 51' 44" W, a distance of 55.54 feet from a found rebar where said line is intersected by the northwesterly right of way line of Norwood Drive (50' Wide R.O.W.); thence (1) N 22° 51' 44" W, a distance of 20.03 feet to a point; thence; (2) N 70° 16' 25" E, a distance of 34.53 feet to a point in the southwesterly dividing line of Tax Parcel ID# 40-01-0006.02; thence (3) S 34° 54' 04" E, a distance of 20.72 feet to a point in the northwesterly existing right of way line of Williams Transcontinental Gas Pipe Line Corporation; thence (4) S 70° 16' 25" W, a distance of 38.86 feet to the point and place of BEGINNING.

SAID ABOVE DESCRIBED proposed right of way being part of Tax Parcel ID# 40-01-0006 containing within said bounds 0.018 acres of land as illustrated on a certain plan entitled "Transcontinental Gas Pipe Line Corporation, Proposed Pipeline Replacement, Crossing Property of Frigyes & Maria Alejnikov, East Caln Township, Chester County, Pennsylvania", drawing number 24-10-70/229068-1-A, dated August 01, 2008 and revised to September 30, 2008, sheet 1 of 2.

TRANSCONTINENTAL GAS PIPE LINE CORPORATION

194C

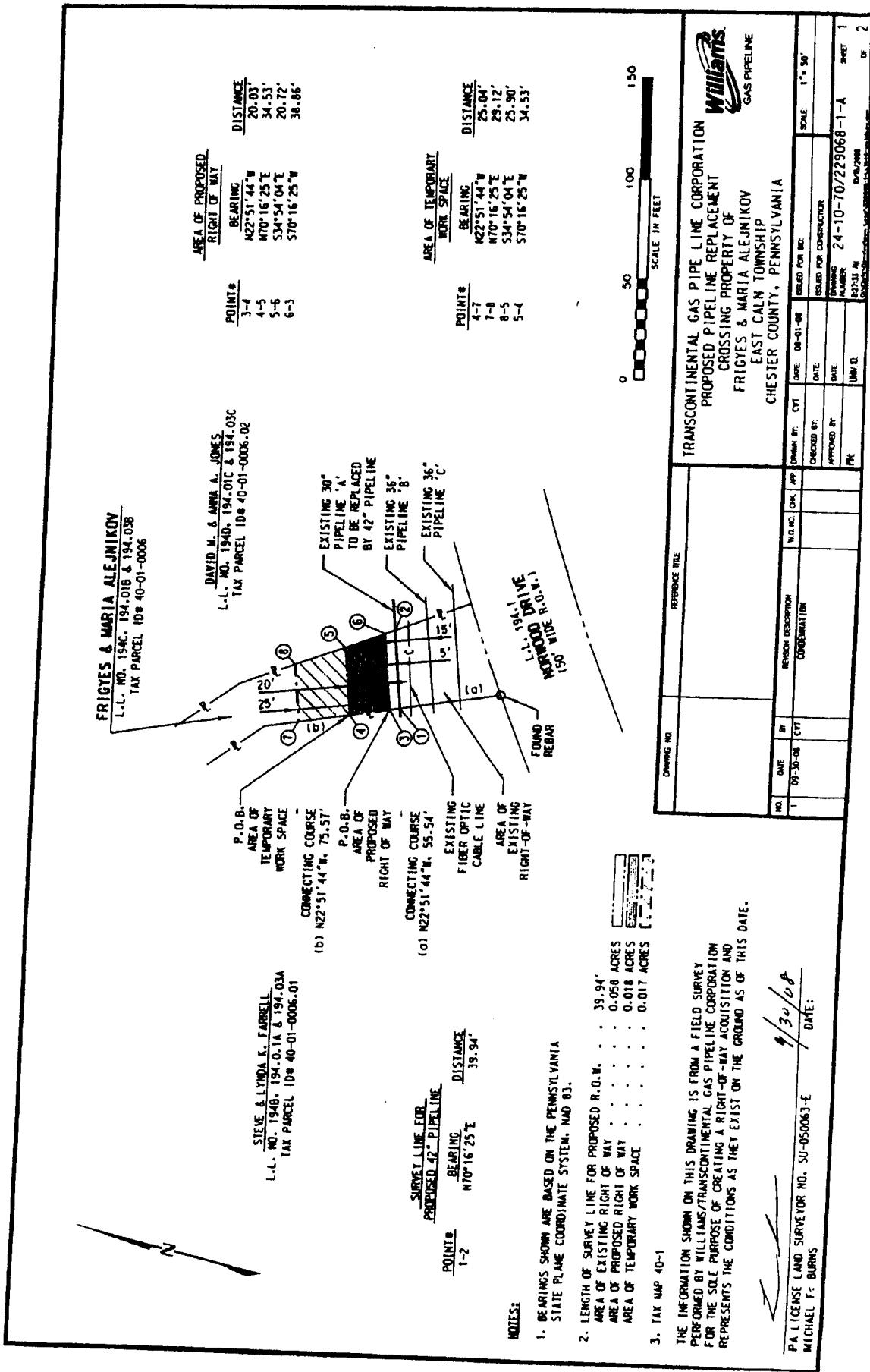
**DESCRIPTION OF EASEMENT
AREA OF TEMPORARY WORK SPACE
TAX PARCEL ID# 40-01-0006
EAST CALN TOWNSHIP, CHESTER COUNTY,
COMMONWEALTH OF PENNSYLVANIA**

ALL THAT CERTAIN tract or parcel of land situate in East Caln Township, Chester County and the Commonwealth of Pennsylvania, more particularly described as follows:

BEGINNING at a point in the northeasterly dividing line of Tax Parcel ID# 40-01-0006.01 said point being N 22° 51' 44" W, a distance of 75.57 feet from a found rebar where said line is intersected by the northwesterly right of way line of Norwood Drive (50' Wide R.O.W.); thence (1) N 22° 51' 44" W, a distance of 25.04 feet to a point; thence; (2) N 70° 16' 25" E, a distance of 29.12 feet to a point in the southwesterly dividing line of Tax Parcel ID# 40-01-0006.02; thence (3) S 34° 54' 04" E, a distance of 25.90 feet to a point in the northwesterly proposed right of way line of Williams Transcontinental Gas Pipe Line Corporation; thence (4) S 70° 16' 25" W, a distance of 34.53 feet to the point and place of BEGINNING.

SAID ABOVE DESCRIBED temporary work space easement containing within said bounds 0.017 acres being located on the north side of the proposed right-of-way as illustrated on a certain plan entitled "Transcontinental Gas Pipe Line Corporation, Proposed Pipeline Replacement, Crossing Property of Frigyes & Maria Alejnikov, East Caln Township, Chester County, Pennsylvania", drawing number 24-10-70/229068-1-A, dated August 01, 2008 and revised to September 30, 2008, sheet 1 of 2.

EXHIBIT 2



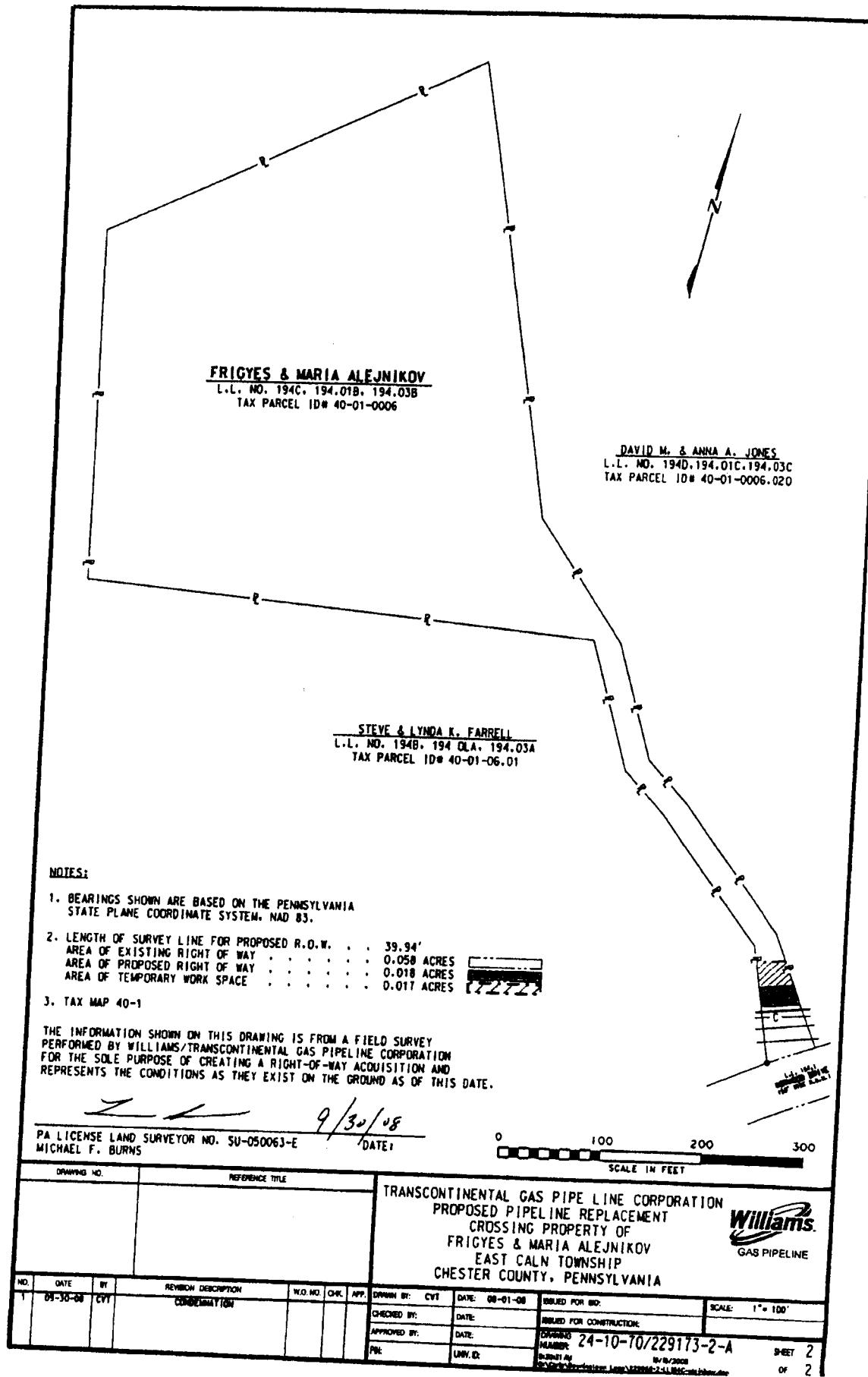


EXHIBIT 3

TRANSCONTINENTAL GAS PIPE LINE CORPORATION

194D

**DESCRIPTION OF EASEMENT
AREA OF PROPOSED RIGHT OF WAY
TAX PARCEL ID# 40-01-0006.02
EAST CALN TOWNSHIP, CHESTER COUNTY,
COMMONWEALTH OF PENNSYLVANIA**

ALL THAT CERTAIN tract or parcel of land situate in East Caln Township, Chester County and the Commonwealth of Pennsylvania, more particularly described as follows:

BEGINNING at a point in the northeasterly dividing line of Tax Parcel ID# 40-01-0006 said point being N 34° 54' 04" W, a distance of 45.02 feet from a point where said line is intersected by the northwesterly Right of Way line of Norwood Drive (50' Wide R.O.W.); thence (1) N 34° 54' 04" W, a distance of 20.72 feet to a point; thence; (2) N 70° 16' 25" E, a distance of 39.06 feet to a point in the southwesterly dividing line of Tax Parcel ID# 40-01-0006.03; thence (3) S 45° 37' 24" E, a distance of 22.23 feet to a point in the northwesterly existing Right of Way line of Williams Transcontinental Gas Pipe Line Corporation; thence (4) S 70° 16' 25" W, a distance of 43.35 feet to the point and place of BEGINNING.

SAID ABOVE DESCRIBED proposed Right of Way being part of Tax Parcel ID# 40-01-0006.02 containing within said bounds 0.019 acres of land as illustrated on a certain plan entitled "Transcontinental Gas Pipe Line Corporation, Proposed Pipeline Replacement, Crossing Property of David M. & Anna A. Jones, East Caln Township, Chester County, Pennsylvania", drawing number 24-10-70/229109-1-A, dated August 01, 2008 and revised to August 8, 2008, sheet 1 of 2.

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TRANSCONTINENTAL GAS PIPE LINE CORPORATION

194D

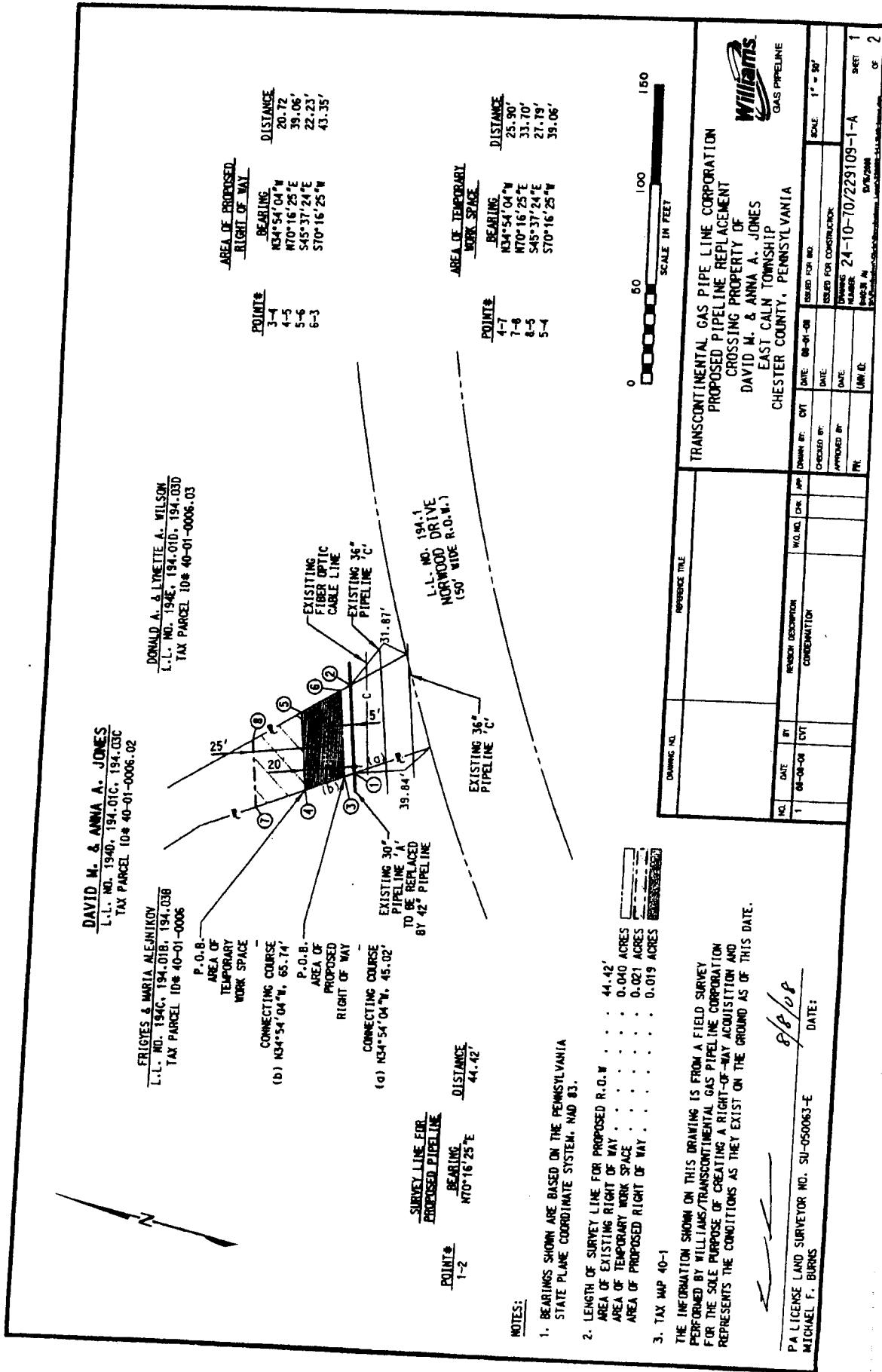
**DESCRIPTION OF EASEMENT
AREA OF TEMPORARY WORK SPACE
TAX PARCEL ID# 40-01-0006.02
EAST CALN TOWNSHIP, CHESTER COUNTY,
COMMONWEALTH OF PENNSYLVANIA**

ALL THAT CERTAIN tract or parcel of land situate in East Caln Township, Chester County and the Commonwealth of Pennsylvania, more particularly described as follows:

BEGINNING at a point in the northeasterly dividing line of Tax Parcel ID# 40-01-0006 said point being N 34° 54' 04" W, a distance of 65.74 feet from a point where said line is intersected by the northwesterly Right of Way line of Norwood Drive (50' Wide R.O.W.); thence (1) N 34° 54' 04" W, a distance of 25.90 feet to a point; thence (2) N 70° 16' 25" E, a distance of 33.70 feet to a point; thence (3) S 45° 37' 24" E, a distance of 27.79 feet to a point; thence (4) S 70° 16' 25" W, a distance of 39.06 feet to the point and place of BEGINNING.

SAID ABOVE DESCRIBED Temporary Work Space Easement containing within said bounds 0.021 acres being located on the north side of the proposed Right of Way as illustrated on a certain plan entitled "Transcontinental Gas Pipe Line Corporation, Proposed Pipeline Replacement, Crossing Property of David M. & Anna A. Jones, East Caln Township, Chester County, Pennsylvania", drawing number 24-10-70/229109-1-A, dated August 01, 2008 and revised to August 8, 2008, sheet 1 of 2.

EXHIBIT 4



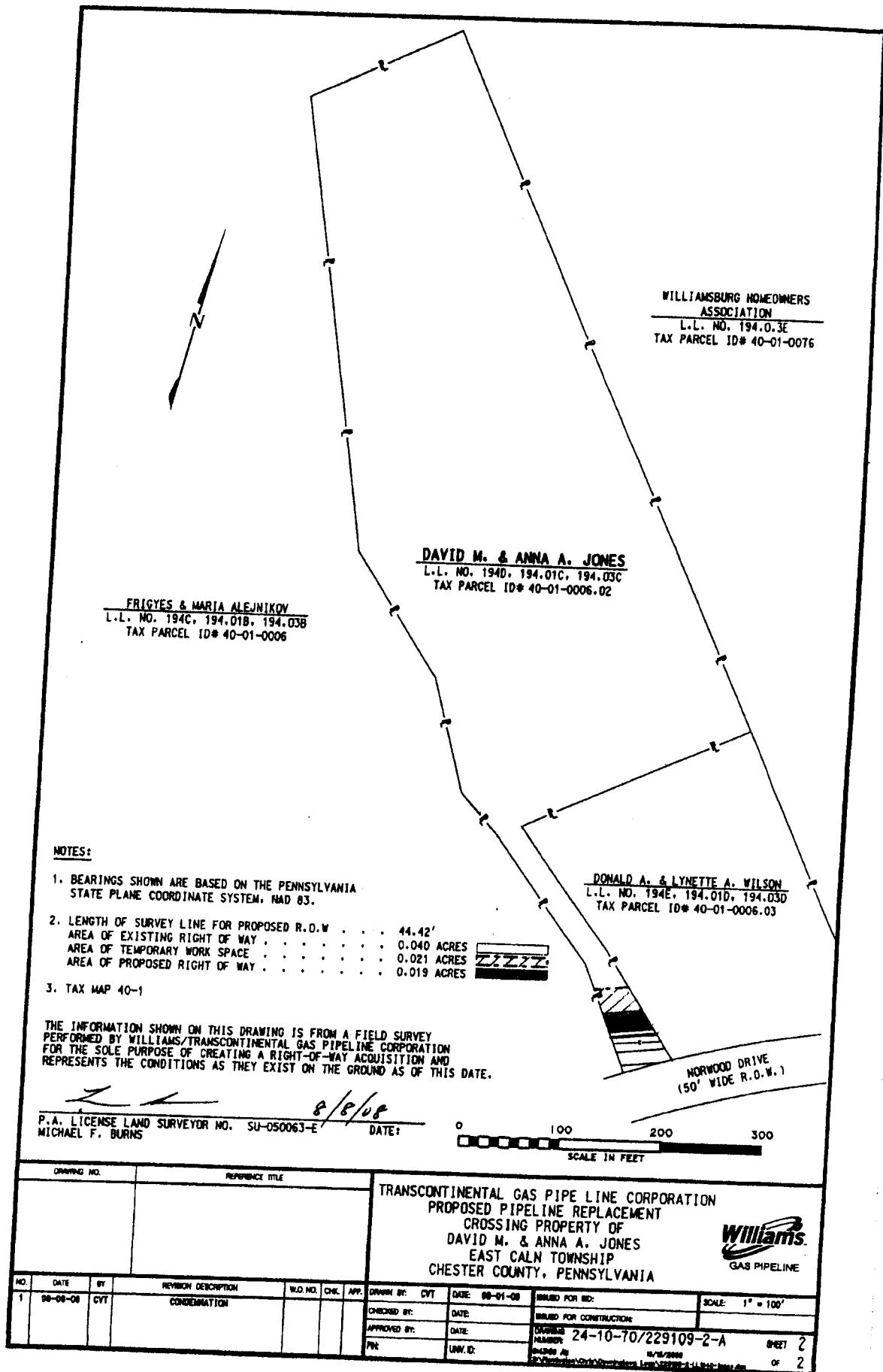


EXHIBIT 5

TRANSCONTINENTAL GAS PIPE LINE CORPORATION

194B, 194.01A, 194.0.3A

**DESCRIPTION OF EASEMENT
AREA OF PROPOSED RIGHT OF WAY
TAX PARCEL ID# 40-01-0006.010
EAST CALN TOWNSHIP, CHESTER COUNTY,
COMMONWEALTH OF PENNSYLVANIA**

ALL THAT CERTAIN tract or parcel of land situate in East Caln Township, Chester County and the Commonwealth of Pennsylvania, more particularly described as follows:

BEGINNING at a point of intersection of the southwesterly dividing line of Tax Parcel ID# 40-01-0006 and the northwesterly existing right of way line of Williams Transcontinental Gas Pipe Line Corporation, said point being the following course from a rebar found in the northwesterly right of way of Norwood Drive (50' Wide R.O.W.); thence; (a) N 22° 51' 44" W, a distance of 54.20 feet; thence; (1) S 70° 16' 25" W, a distance of 339.31 feet to a point in the northeasterly dividing line of Tax Parcel ID# 40-01-0003; thence; (2) N 60° 36' 38" W, a distance of 26.45 feet to a point; thence; (3) N 70° 16' 25" E, a distance of 355.52 feet to a point in the aforementioned southwesterly dividing line of Tax Parcel ID# 40-01-0006; thence; (4) S 22° 51' 44" E, a distance of 20.03 feet to the point and place of BEGINNING.

SAID ABOVE DESCRIBED proposed Right of Way being part of Tax Parcel ID# 40-01-0006.010 containing within said bounds 0.160 acres of land as illustrated on a certain plan entitled "Transcontinental Gas Pipe Line Corporation, Proposed Pipeline Replacement, Crossing Property of Steve & Lynda K. Farrell, East Caln Township, Chester County, Pennsylvania", drawing number 24-10-70/228733-1-A, dated August 1, 2008 and revised to September 30, 2008, sheet 1 of 2.

TRANSCONTINENTAL GAS PIPE LINE CORPORATION

194B, 194.0.1A, 194.03A

**DESCRIPTION OF EASEMENT
AREA OF TEMPORARY WORK SPACE
TAX PARCEL ID# 40-01-0006.010
EAST CALN TOWNSHIP, CHESTER COUNTY,
COMMONWEALTH OF PENNSYLVANIA**

ALL THAT CERTAIN tract or parcel of land situate in East Caln Township, Chester County and the Commonwealth of Pennsylvania, more particularly described as follows:

BEGINNING at a point in the southwesterly dividing line of Tax Parcel ID# 40-01-0006, said point being the following course from a rebar found in the northwesterly right of way of Norwood Drive (50' Wide R.O.W.); thence; (a) N 22° 51' 44" W, a distance of 74.23 feet; thence; (1) S 70° 16' 25" W, a distance of 355.52 feet to a point in the northeasterly dividing line of Tax Parcel ID# 40-01-0003; thence; (2) N 60° 36' 38" W, a distance of 33.07 feet to a point; thence; (3) N 70° 16' 25" E, a distance of 375.80 feet to a point in the aforementioned southwesterly dividing line of Tax Parcel ID# 40-01-0006; thence; (4) S 22° 51' 44" E, a distance of 25.04 feet to the point and place of BEGINNING.

SAID ABOVE DESCRIBED Temporary Work Space Easement containing within said bounds 0.210 acres of land as illustrated on a certain plan entitled "Transcontinental Gas Pipe Line Corporation, Proposed Pipeline Replacement, Crossing Property of Steve & Lynda K. Farrell, East Caln Township, Chester County, Pennsylvania", drawing number 24-10-70/228733-1-A, dated August 1, 2008 and revised to September 30, 2008, sheet 1 of 2.

EXHIBIT 6

